

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-CR-185-BO

JAMES ANTONIO GARNER

v.

UNITED STATES OF AMERICA

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ORDER

This cause comes before the Court for resentencing on United States District Court Judge Dever's order granting petitioner's motion to vacate his sentence under 28 U.S.C. § 2241. *Garner v. Andrews*, No. 5:17-HC-2178-D, DE 13 (Jan. 10, 2019). The Court will set a resentencing hearing by separate notice.

Petitioner having previously demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender for the Eastern District of North Carolina is again APPOINTED to represent and assist petitioner at his hearing. 18 U.S.C. § 3006A.

Further, at the government's request and for good cause shown, the United States Probation Office is DIRECTED to prepare an updated presentence report. Fed. R. Crim. P. 32.

The Clerk is DIRECTED to serve a copy of this order on petitioner, the government, the Office of the Federal Public Defender, and the United States Probation Office.

SO ORDERED, this 16 day of January, 2019.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE